

BEFORE THE DIVISION OF INSURANCE

STATE OF COLORADO

FINAL AGENCY ORDER O-03-335

ORDER PARTIALLY STAYING MONETARY PENALTY IMPOSED UNDER FINAL AGENCY ORDER O-03-329: IN THE MATTER OF THE MARKET CONDUCT EXAMINATION OF EVERGREEN NATIONAL INDEMNITY COMPANY,

Respondent

THIS MATTER comes before the Colorado Commissioner of Insurance (the "Commissioner") as a result of a market conduct examination conducted by the Colorado Division of Insurance (the "Division") of Evergreen National Indemnity Company (the "Respondent"), pursuant to §§ 10-1-201 to 207, C.R.S. This order partially stays Respondent's obligation to pay the monetary penalty imposed by final agency Order O-03-329 pending Respondent's compliance with the corrective actions and measures imposed by the terms of the market conduct examination order, as set forth below.

1. On or about June 27, 2003, the Commissioner entered Order O-03-329 pursuant to a market conduct examination report of Respondent dated March 21, 2003 ("the Market Conduct Order").
2. As set forth in the Market Conduct Order, Respondent shall comply with the corrective actions and measures ordered and submit evidence of compliance to the Division within the required timeframes.
3. The Commissioner hereby stays Respondent's obligation to pay \$11,000.00 of the monetary penalty imposed under the terms of the Market Conduct Order. Under the terms of the Market Conduct Order, deadlines have been established by which Respondent must implement certain corrective actions, file affidavits of its directors, and conduct self-audits. Further, Respondent must deliver sufficient proof of its compliance with all corrective measures and obligations imposed under the terms of the Market Conduct Order within the time deadlines set by the Market Conduct Order.
4. The stay of Respondent's obligation to pay the monetary penalty imposed under the Market Conduct Order is conditioned upon Respondent's timely and complete compliance with all corrective actions and measures ordered under the Market Conduct Order. The Commissioner reserves the right to vacate the fine imposed upon Respondent, in whole or in part, if the Commissioner, in his sole discretion, determines that Respondent has sufficiently demonstrated timely and complete

compliance with all corrective actions and measures within the time deadlines set by the Market Conduct Order.

WHEREFORE, the monetary penalty imposed under Order O-03-329 is stayed as set forth under the terms of this order.

A handwritten signature in cursive script that reads "Doug Dean".

_____, Dated this 26th day of June, 2003.

Doug Dean
Commissioner of Insurance